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REMARKS

Claims 2-5 and 9-15 are in the application.

As per the suggestion made by Examiner Herbert in the telephone discussion of February 26, 2009, claim 2 has been amended to recite that *"at least a first of the at least three passive detectable devices"* is secured to the mounting device *"by a pivot joint"*. Support for this amendment can be found at least in Figs. 1 and 2.

Claims 14, 15, and 16 have been amended accordingly.

Claims 14 and 15 have further been amended to recite the step of *"initiating an interaction response to the handler, the interaction response being unrelated to a variation of the position and orientation of the object"*.

Claims 2, 4, 5, 9 and 10, and claims 14, 15 and 16 have been amended to delete the terms *"indexed"* and *"discrete"*, respectively.

No new subject matter has been added.

Claims 11-13 are objected to on the basis of lack of antecedents.

In claim 15 as amended, the expression *"discrete interaction signal"* has been removed and replaced by the expression *"interaction signal"*. Furthermore, claim 15 as amended now recites the step of *"initiating an interaction response"*.

The Applicant submits that the expressions *"interaction signal"* and *"the interaction response"* found in claims 11-13, respectively, now have proper antecedents.

Claims 2-5, 9, 10, 14 and 15 are rejected for being non-compliant with 35 U.S.C. 112 because of the expressions *"indexed position"* and *"discrete interaction signal"*.

In claims 2, 4, 5, 9 and 10 as amended, the term *"indexed"* has been removed.

In claims 14-16, as amended, the term *"discrete"* has been removed.

Claims 2-5, 9, 10 and 14-16 are believed to be compliant with 35 U.S.C. 112.

Commissioner for Patents

Claims 2-5, and 9-16 are rejected for being anticipated by Franck et al.

Franck et al. teach a system for determining the spatial position and orientation of a body. A surgical instrument 740 is secured to a drive platform 1130 of a mounting device 1110 which is attached to the head of a patient. The base 1150 of the mounting device 1110 is provided with four LEDs 730 and the drive platform 1130 is provided with an LED 742. The LED 742 is only linearly moveable with respect to the base 1150 via an upward/downward translation of the drive platform 1130.

Claim 2 as amended recites a passive optical interface apparatus comprising *"at least a first of the at least three passive detectable devices being secured to the mounting device by a pivot joint, the pivot joint operatively connecting said first of the at least three passive detectable devices for pivotal movement between a first position and a second position with respect to the object"*. This differs from what is being taught by Franck et al. Franck et al. teach that the LED 742 can translate along the linear vertical axis of the mounting device 1110 (see Fig. 16), but they fail to teach or suggest that the LED 742 could perform a pivotal movement with respect to the mounting device 1110.

As Franck et al. fail to teach or suggest all of the elements of claim 2 as amended, claim 2 as amended is believed to be novel and non-obvious having regard to Franck et al.

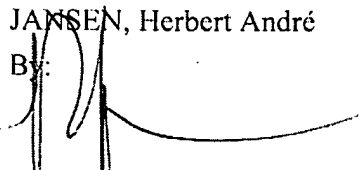
The Applicant submits that claims 14-16 as amended, are also new and non-obvious having regard to Franck et al. in view of the arguments presented above with respect to claim 2 as amended.

Furthermore, the Applicant submits that claims 3-5 and 9-13 are also patentable over the cited reference for reasons similar to those provided above concerning amended claims 2, 14, and 15.

Commissioner for Patents

Conclusion

In view of the foregoing, the Applicant believes that all rejections have been overcome and early and favorable notice is earnestly solicited.

Respectfully submitted,
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By: 

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(Date)

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